

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RATEA MANN, :
Plaintiff, :
- against - : **ORDER ADOPTING REPORT
AND RECOMMENDATION**
COMMISSIONER OF SOCIAL SECURITY, : 24-CV-6014 (AMD) (ST)
: Defendant. :
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ANN M. DONNELLY, United States District Judge:

On April 3, 2025, Magistrate Judge Steven Tiscione issued a report and recommendation in which he recommended that the Court dismiss this action for failure to prosecute. For the reasons that follow, the Court adopts that report and recommendation in its entirety.

On August 27, 2025, the plaintiff filed a complaint asking the Court to review an Administrative Law Judge's decision denying the plaintiff's application for Social Security benefits (ECF No. 1), and also moved to proceed *in forma pauperis* ("IFP"). (ECF No. 2.) On August 29, 2025, Judge Tiscione denied the IFP motion without prejudice, because the plaintiff's application did not "include sufficient information for the Court to determine that Plaintiff is qualified for *in forma pauperis* status and raises more questions than it answers." (ECF No. 6 at 2.) Judge Tiscione gave the plaintiff an opportunity to proceed with the case by renewing the motion with a long form IFP application or otherwise paying the filing fee within two weeks. (*Id.*) Judge Tiscione warned that if the plaintiff did not renew the IFP motion or pay the filing fee, he would recommend that the Court dismiss the case. (*Id.*) To date, the plaintiff has not paid the filing fee or renewed the IFP motion.

As explained above, Judge Tiscione issued a *sua sponte* report and recommendation, recommending that the Court dismiss the case for failure to prosecute. (ECF No. 11.) No party has filed an objection to the report and recommendation and the time for doing so has passed.

A district court reviewing a report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

The Court has carefully reviewed Judge Tiscione’s thorough and well-reasoned report and recommendation for clear error and finds none. Accordingly, the Court adopts the report and recommendation in its entirety and orders that the complaint be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). *See Murphy v. Rodriguez*, No. 23-CV-6998, 2025 WL 623694, at *1 (S.D.N.Y. Feb. 26, 2025) (dismissing case without prejudice for failure to prosecute where “Plaintiff has not communicated with the Court for the past nine months”).

The Clerk of Court is respectfully directed to close this case, mail a copy of this Order to the plaintiff, and note the mailing on the docket.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
April 22, 2025